

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : INFORMATION
:
- v. - : S1 11 Cr. 706 (SAS)
:
NICHOLAS CUKIER, :
:
Defendant. :
- - - - - x

COUNT ONE

The Grand Jury charges:

1. From in or about November 2010 through in or about August 2011, in the Southern District of New York and elsewhere, NICHOLAS CUKIER, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that NICHOLAS CUKIER, the defendant, and others known and unknown, would and did distribute and dispense a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance involved in the offense was Oxycodone, commonly known as "OxyContin," a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/17/11</p>
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OVERT ACTS

4. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 21, 2011, NICHOLAS CUKIER, the defendant, and another individual ("CC-1") in CC-1's medical office in Union, New Jersey ("Office-2") provided four prescriptions of 30 mg Oxycodone, to one undercover agent of the FBI. Each prescription was prescribed to a different individual.

b. Several times in or about April 2011, CC-1 and NICHOLAS CUKIER, the defendant, traveled through the Southern District of New York, between Office-1 and Office-2, for the purpose of providing prescriptions of Oxycodone that were outside the scope of professional medical practice and not for a legitimate medical purpose.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION


5. As a result of committing the controlled substance offense alleged in Count One of this Information, NICHOLAS CUKIER, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Count One of this Information.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a) cannot be located upon the exercise of due diligence;
 - b) has been transferred or sold to, or deposited with, a third person;
 - c) has been placed beyond the jurisdiction of the Court;
 - d) has been substantially diminished in value;
- or
- e) has been commingled with other property which

cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


PREET BHARARA
United States Attorney

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(21 U.S.C. §§ 846, 853.)

PREET BHARARA
United States Attorney.
